

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER PENDING "REFERENCE" APPLICATIONS**

Docket Number (Optional)

H-112In re Application of: **Daniel A. Henderson**Application Number **10/728, 404**Filed **12/05/2003**For: **Method and Apparatus For Improved Personal Communication Devices and Systems**

The owner*, Daniel A. Henderson, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on any of the pending reference applications listed below, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. The reference applications are as follows: Serial No. 08/726,024, filed 10/04/1996; Serial No. 10/033,824, filed 12/19/2001; Serial No. 10/047,191, filed 11/07/2001; Serial No. 10/692,179, filed 10/23/2003; Serial No. 11/045,677, filed 01/28/2005; Serial No. 11/050,370, filed 02/03/2005; Serial No. 11/052,560, filed 02/05/2005; Serial No. 11/059,121, filed 02/16/2005; Serial No. 11/115,445, filed 04/27/2005; Serial No. 11/134,669, filed 05/19/2005; and Serial No. 11/134,670, filed 05/19/2005

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claimed canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

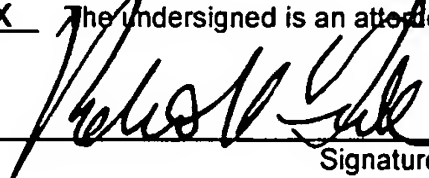
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 24,581 01 FC:1814 130.00 0


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Typed or printed name

617-723-7268

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- ☒ A check in the amount of the Terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

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